

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of )
J.F. Broadcasting, LLC ) File No. BRC DT-20131122AVB
Application for Renewal of License for Digital ) NAL/Acct. No. 201841420002
Television Station ) FRN No. 0015851751
KWSD(TV), Sioux Falls, South Dakota ) Facility ID No. 29121

ORDER

Adopted: January 29, 2018

Released: January 30, 2018

By the Chief, Media Bureau:

1. In this Order, we adopt the attached Consent Decree entered between the Media Bureau (Bureau) of the Federal Communications Commission (Commission) and J.F. Broadcasting, LLC (JF Broadcasting or Licensee). The Consent Decree resolves issues raised in the Bureau’s review of the above-captioned application for license renewal for station KWSD(TV), Sioux Falls, South Dakota (Station), specifically JF Broadcasting’s compliance with: (1) Section 73.3526(e)(11)(i) of the Commission’s rules (Rules),<sup>1</sup> which requires a broadcast station licensee to prepare and place TV Issues/Programs lists in its station’s public inspection file on a quarterly basis; (2) Section 73.3526(e)(11)(ii) of the Rules,<sup>2</sup> which requires a broadcast station licensee to prepare and place in its public inspection file on a quarterly basis documentation supporting its certification that it complied with the Commission’s commercial limits on children’s television programing; (3) Section 73.3514(a) of the Rules,<sup>3</sup> which requires applicants to provide all necessary information in any application filed with the Commission; and (4) Section 1.65(a) of the Rules,<sup>4</sup> which requires the continued accuracy of all pending applications. A copy of the Consent Decree is attached hereto and incorporated by reference.

2. After reviewing its terms, we find that adoption of the attached Consent Decree would serve the public interest. Although we conclude that the Consent Decree contains appropriate terms and conditions, after reviewing the record before us, we believe that the grant of a short-term renewal is appropriate in order to better ensure the Licensee’s ongoing compliance with the Communications Act of 1934, as Amended (the Act),<sup>5</sup> and the Rules. Accordingly, the Bureau instructs its staff to grant the Station’s license renewal application, File No. BRC DT-20131122AVB, for a period of two years pursuant to Section 309(k)(2) the Act.<sup>6</sup> Grant shall be conditioned upon JF Broadcasting’s timely

<sup>1</sup> 47 CFR § 73.3526(e)(11)(i).

<sup>2</sup> 47 CFR § 73.3526(e)(11)(ii).

<sup>3</sup> 47 CFR § 73.3514(a).

<sup>4</sup> 47 CFR § 1.65(a).

<sup>5</sup> Communications Act of 1934, as amended, Pub L. No 73-416, 448 Stat. 1064 (codified at 47 U.S.C. § 151 et seq.) (Act).

<sup>6</sup> Section 309(k)(1) of the Act states that the Commission shall grant a license renewal application “if it finds, with respect to that station, during the preceding term of its license – (a) the station has served the public interest, convenience, and necessity; (b) there have been no other violations by the licensee of the Act or Commission Rules or regulations; and (c) there have been no other violations by the licensee of the Act or Commission rules or regulations, which, taken together, would constitute a pattern of abuse.” 47 U.S.C. § 309(k)(1). Section 309(k)(2) of the Act states, however, that if the licensee fails to meet this three-part standard, the Commission may deny the

satisfaction of its obligation to pay the full Civil Penalty payment in the manner set forth in paragraphs 15 and 16 of the attached Consent Decree. As a result, we need not determine whether the Licensee committed “serious violations” of our rules or violations that constituted a “pattern of abuse” for purposes of Section 309(k)(1).<sup>7</sup>

3. Accordingly, **IT IS ORDERED** that, pursuant to Section 4(i) of the Communications Act of 1934, as amended,<sup>8</sup> and by the authority delegated by Sections 0.61 and 0.283 of the Commission’s Rules,<sup>9</sup> the attached Consent Decree **IS ADOPTED**.

4. **IT IS FURTHER ORDERED** that the Bureau’s investigation into the matters discussed above **IS TERMINATED**.

5. **IT IS FURTHER ORDERED** that the license renewal application, File No. BRC DT-20131122AVB, **IS GRANTED**, as conditioned herein.

6. **IT IS FURTHER ORDERED** that a copy of this Order and Consent Decree shall be sent by both First-Class mail and Certified Mail, Return Receipt Requested, to J.F. Broadcasting, LLC, P.O. Box, Rapid City, South Dakota 57709, and to its counsel, David M. Silverman, Esq., Davis Wright Tremaine, LLP, 1919 Pennsylvania Avenue, NW, Suite 800, Washington, D.C. 20006.

FEDERAL COMMUNICATIONS COMMISSION

Michelle M. Carey  
Chief, Media Bureau

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application – after notice and comment, and opportunity for hearing under Section 309(e) of the Act – “. . . or grant the application on terms and conditions as are appropriate, including renewal for a term less than the maximum otherwise permitted.” Pub. L. No. 104-104, 110 Stat. 56, 113 (codified at 47 U.S.C. § 309(k)(2)).

<sup>7</sup> See *Shareholders of Univision Communications Inc. et al.*, Memorandum Opinion and Order, 22 FCC Rcd 5842, 5859, n.113 (2007) (“Given our finding that the grant of the renewal application is warranted under Section 309(k)(2) of the Act because the consent decree contains appropriate terms and conditions, we need not determine whether Univision committed ‘serious violations’ of our rules or violations that constituted ‘a pattern of abuse’ for purposes of Section 309(k)(1)).”

<sup>8</sup> 47 U.S.C. § 154(i).

<sup>9</sup> 47 CFR §§ 0.61, 0.283.

Before the
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Washington, D.C. 20554

In the Matter of )
J.F. Broadcasting, LLC ) File No. BRCDDT-20131122AVB
Application for Renewal of License for Digital ) NAL/Acct. No. 201841420002
Television Station ) FRN No. 0015851751
KWSD, Sioux Falls, South Dakota ) Facility ID No. 29121

CONSENT DECREE

1. The Media Bureau of the Federal Communications Commission (Bureau) and J.F. Broadcasting, LLC (JF Broadcasting or Licensee), licensee of full power station KWSD, Sioux Falls, South Dakota, hereby enter into this Consent Decree for the purposes of: (i) resolving the Bureau’s investigation of JF Broadcasting’s compliance with Sections 1.65(a), 73.3514(a), 73.3526(e)(11)(i), and 73.3526(e)(11)(ii) of the Commission’s rules;<sup>1</sup> and (ii) facilitating the grant of JF Broadcasting’s above-captioned pending license renewal application.

I. DEFINITIONS

2. For the purposes of this Consent Decree and Compliance Plan, the following definitions shall apply:

- a) “Act” means the Communications Act of 1934, as amended, 47 U.S.C. § 151 et seq.
b) “Adopting Order” means the Order of the Commission adopting the terms of this Consent Decree without change, addition, deletion, or modification.
c) “Bureau” means the Media Bureau of the Federal Communication Commission.
d) “Commercial Limits Certification” means documentation demonstrating compliance with the Commission's commercial limit rules pursuant to 47 CFR § 73.670, as required by 47 CFR § 73.3526(e)(11)(ii).
e) “Commission” or “FCC” means the Federal Communications Commission and all of its bureaus and offices.
f) “Communications Laws” means, collectively, the Act, the Rules, and the published and promulgated orders and decisions of the Commission including, but not limited to, 47 CFR §§ 1.65(a), 73.3514(a), 73.3526(e)(11)(i), 73.3526(e)(11)(ii).
g) “Division” means the Video Division of the Media Bureau.
h) “Effective Date” means release date of the Adopting Order.
i) “Investigation” means the Media Bureau’s investigation of JF Broadcasting’s potential violations of 47 CFR §§ 1.65(a), 73.3514(a), 73.3526(e)(11)(i), and 73.3526(e)(11)(ii).
j) “License Renewal Application” means the license renewal application of station KWSD, Sioux Falls, South Dakota, File No. BRCDDT-20131122AVB.
k) “Parties” means JF Broadcasting and the Bureau acting under delegated authority, each of which is a “Party.”

<sup>1</sup> 47 CFR §§ 1.65(a), 73.3514(a), 73.3526(e)(11)(i), and 73.3526(e)(11)(ii)

- l) “Public file” or “e-pif” refers to the documents a commercial broadcast station is required to maintain as part of its local public inspection file, as required by Section 73.3526 of the Rules.
- m) “Rules” means the Commission’s regulations found in Title 47 of the Code of Federal Regulations.
- n) “Station” means the broadcast television station KWSD, Sioux Falls, South Dakota.
- o) “JF Broadcasting or Licensee” JF Broadcasting, LLC and its subsidiaries, affiliates, successors, assigns, and/or transferees.

## II. BACKGROUND

3. On November 25, 2013, JF Broadcasting timely filed its License Renewal Application for the Station.<sup>2</sup> The License Renewal Application required JF Broadcasting to certify that during the preceding license term it complied with all Commission rules, including compliance with the Station’s public file requirements. A Division staff review of the Station’s e-pif revealed that numerous documents were either missing or not timely filed. Following a series of informal e-mail and telephone inquiries, JF Broadcasting admitted that it failed to properly prepare and/or place in its e-pif its required TV Issues/Programs lists and Commercial Limit Certifications since acquiring the Station in March 2007.<sup>3</sup>

4. Section 73.3526 of the Rules requires each commercial broadcast license to maintain a public file containing information related to its station’s operations.<sup>4</sup> In particular, Section 73.3526(e)(11)(i) requires every full power television licensee to place in its public file, on a quarterly basis, a TV Issues/Programs list which details programs that have provided the station’s most significant treatment of community issues during the preceding three-month period and must include a brief narrative of the issue addressed, as well as the time, date, duration, and title of each program that addressed the issue.<sup>5</sup> Section 73.3526(e)(11)(ii) requires every full power television licensee to prepare and place in its public inspection file, on a quarterly basis, records sufficient to substantiate the Station’s certification, in its license renewal application, of compliance with the commercial limits on children’s programming.<sup>6</sup> Both subsections require a commercial television licensee to file its TV Issues/Programs list and Commercial Limits Certification by the tenth day after the close of the reporting quarter. Copies of these documents must be retained until final action on the station’s next license renewal application.

5. In 2012, the Commission adopted Section 73.3526(b) of the Rules, which requires licensees to upload elements of Stations’ physical public file to an on-line Commission hosted website (*i.e.*, a Station’s e-pif or electronic public file).<sup>7</sup> The Commission’s electronic public file requirement was implemented as a means to modernize the way that television broadcasters “inform the public about how

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<sup>2</sup> *License Renewal Application.*

<sup>3</sup> Commission records show that JF Broadcasting acquired KWSD on March 2, 2007. *See* File No. BALCT-20070104ABY. Accordingly, for purposes of our investigation, we examine JF Broadcasting’s compliance with the Communications Laws since March 2, 2007.

<sup>4</sup> 47 CFR § 73.3526.

<sup>5</sup> 47 CFR § 73.3526(e)(11)(i).

<sup>6</sup> 47 CFR § 73.3526(e)(11)(ii).

<sup>7</sup> *See Standardized and Enhanced Disclosure Requirements for Television Broadcast Licensee Public Interest Obligations, Extension of the Filing Requirement for Children’s Television Programming Report, Second Report and Order, 27 FCC Rcd 4535 (2012) (“Second R&O”)* (requiring broadcast television stations to post their public inspection files, with limited exceptions, to an online Commission-hosted database).

they are serving their communities....”<sup>8</sup> Broadcasters’ e-pif requirements were phased in between August 2012 and February 2013. Beginning August 2, 2012, stations were required to post any document that would otherwise be placed in a station’s public file, with limited exceptions, to their e-pif on a going-forward basis. By February 4, 2013, stations were required, with limited exceptions, to upload to their e-pif those documents that were already in their physical public file prior to August 2, 2012.<sup>9</sup> Under Section 73.3526(b)(2) of the Rules, copies of a Station’s Commercial Limit Certifications and TV issues/programs lists, among other items, must be placed in its e-pif.

6. Since acquiring the Station in March 2007, Division staff has found that JF Broadcasting failed to timely prepare and/or place in its e-pif the Station’s quarterly TV Issues/Programs lists for the second quarter of 2007 through the third quarter of 2016, failed to prepare its Commercial Limit Certifications for the second quarter of 2007 through the second quarter of 2014, and failed to timely place its Commercial Limit Certifications in its public inspection file for the second quarter of 2014 and the first quarter of 2015.

7. Section 73.3514(a) of the Rules requires each applicant to include all information called for by a particular application.<sup>10</sup> In addition, Section 1.65(a) of the Rules states that “each applicant is responsible for the continuing accuracy and completeness of information furnished in a pending application” and incorrect information is expected to be revised by the applicant within thirty 30 days.<sup>11</sup> As it relates here, the Application for Renewal of Broadcast Station License (FCC Form 303-S) requires licensees to make various certifications with regards to its compliance with the Act and Commission’s rules during the preceding license term, which includes certifying that it has not violated the Act or the Commission’s rules and regulations during the preceding license term – specifically, Section 73.3526 of the Rules.<sup>12</sup> Furthermore, Section IV, Question 3 of FCC Form 303-S requires the licensee to certify that it has placed required documents into the Station’s public file at appropriate times, and Section II, Question 4 of FCC 303-S requests that the licensee certify that it has not violated the Act or the Commission’s rules and regulations during the preceding license term. Division staff’s review of the License Renewal Application revealed that JF Broadcasting incorrectly answered each of the aforementioned certification questions in the affirmative despite its failure to comply with Section 73.3526 of the Rules, and failed to correct its responses after the discovery of its non-compliance.

8. The Bureau and JF Broadcasting have negotiated the terms of the Consent Decree that terminates the investigation into the matters raised in this proceeding. As part of the Consent Decree, JF Broadcasting has agreed to pay a Civil Penalty in the amount of Seventeen Thousand Five Hundred Dollars (\$17,500) to the U.S. Treasury and to implement and maintain a Compliance Plan designed to ensure its future compliance with the Act and Commission’s rules, including those discussed above.

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<sup>8</sup> *Second R&O*, 27 FCC Rcd at 4536.

<sup>9</sup> See *Effective Date Announced for Online Publication of Broadcast Television Public Inspection Files*, Public Notice, 27 FCC Rcd 7478 (2012) (announcing effective date of electronic public file rule); *Television Broadcast Stations Reminded of Their Online Public Inspection File Obligations*, Public Notice, 27 FCC Rcd 15315 (2012) (reminding station’s to upload copies of existing public file documents to their electronic public file); *Television Broadcast Stations Reminded of the Upcoming Public Inspection Filing Deadline*, Public Notice, 28 FCC Rcd 429 (2013) (providing a final remainder to broadcasters to upload copies of existing public file documents to their electronic public file); see *Second R&O*, 27 FCC Rcd at 4580 (establishing compliance periods for complying with broadcasters new electronic public file requirement).

<sup>10</sup> 47 CFR § 73.3514(a) (“Each applicant shall include all information called for by the particular form on which the application is required to be filed, unless the information called for is inapplicable, in which case this fact shall be indicated.”).

<sup>11</sup> 47 CFR § 1.65(a).

<sup>12</sup> 47 CFR § 73.3526.

### III. TERMS OF THE AGREEMENT

9. Adopting Order. The Parties agree that the provisions of this Consent Decree shall be incorporated by reference by an Adopting Order without change, addition, deletion, or modification.

10. Jurisdiction. JF Broadcasting agrees that the Commission has jurisdiction over it and the matters contained in this Consent Decree, and that the Commission has the authority to enter into and adopt this Consent Decree.

11. Effective Date. The Parties agree that this Consent Decree shall become effective on the Effective Date as defined herein. As of the Effective Date, the Adopting Order and this Consent Decree shall have the same force and effect as any other order of the Commission.

12. Violations. The Parties agree that any violation of the Adopting Order or of the terms of this Consent Decree shall constitute a separate violation of a Commission order, entitling the Commission to exercise any rights and remedies attendant to the enforcement of a Commission order.

13. Termination of Investigation; Grant of Renewal Application. In express reliance on the covenants and representations in this Consent Decree, and to avoid further expenditure of public resources, the Bureau agrees to terminate the Investigation. In consideration for the termination of the Investigation, JF Broadcasting agrees to the terms and conditions contained herein. The Bureau further agrees to grant, absent any other restrictions, in conjunction with the adoption of this Consent Decree, the License Renewal Application for a period of two years from the Effective Date. In consideration for the termination of the Investigation, JF Broadcasting agrees to the terms, conditions, and procedures contained herein, including the actions specified in Paragraphs 15 and 19 of this Consent Decree. Grant of the License Renewal Application is expressly conditioned on JF Broadcasting fully and timely satisfying its obligation to make a total Civil Penalty Payment in the amount of Seventeen Thousand Five Hundred Dollars (\$17,500) in the manner specified in paragraph 19 of this Consent Decree. The Bureau further agrees that, in the absence of new material evidence or failure by JF Broadcasting to satisfy the terms and conditions set forth in paragraphs 15 and 19 of the Consent Decree, it will not use the facts developed, in whole or in part, from the investigation through the Effective Date, or the existence of this Consent Decree, to institute on its own motion any proceedings, formal or informal, or take any action on its own motion against JF Broadcasting concerning the matters that were the subject of the Investigation. Nor will the Bureau take any action in response to any petition to deny, complaint, or objection against JF Broadcasting concerning the matters that were the subject of the Investigation. The Bureau also agrees that, in the absence of new material evidence or failure by JF Broadcasting to satisfy the terms and conditions set forth in paragraphs 15 and 19 of this Consent Decree, it will not use the facts developed in this Investigation through the Effective Date, or the existence of this Consent Decree, to institute on its own motion any proceeding, formal or informal, or take any action in response to any petition to deny, complaint, or objection against JF Broadcasting with respect to its basic qualifications, including its character qualifications, to be a Commission licensee or to hold Commission licenses or authorizations.

14. Subsequent Investigations. Except as expressly provided herein, this Consent Decree shall not prevent the Bureau or Commission from investigating new evidence of noncompliance by JF Broadcasting with the Communications Laws. Nothing in this Consent Decree shall prevent the Commission or its delegated authority from adjudicating complaints or other adjudicatory pleadings filed against JF Broadcasting for alleged violations of the Act or the Commission's rules or for any alleged misconduct, regardless of when such misconduct took place, subject to the limitations set forth in Paragraph 13 of this Consent Decree. The Bureau or the Commission's adjudication of any such complaints or pleadings will be based solely on the record developed in subsequent proceedings.

15. Civil Penalty. JF Broadcasting will pay a civil penalty to the United States Treasury in the amount of Seventeen Thousand Five Hundred Dollars (\$17,500) due in accordance with the payment schedule provided in Paragraph 16 of this Consent Decree. JF Broadcasting acknowledges and agrees

that upon execution of this Consent Decree, the Civil Penalty shall become a “Claim” or “Debt” as defined in 31 U.S.C. § 3701(b)(1).<sup>13</sup> JF Broadcasting shall send electronic notification of payment to Darren Fernandez at [darren.fernandez@fcc.gov](mailto:darren.fernandez@fcc.gov) on the date said payment is made. The payment must be made by check or similar instrument, wire transfer, or credit card, and must include the FRN captioned above. An FCC Form 159 (Remittance Advice) must be submitted with payment unless payment is made online at the Commission’s Fee Filer website.<sup>14</sup> When completing FCC Form 159, enter the Account Number in block number 23A (call sign/other ID) and enter the letters “FORF” in block number 24A (payment type code). Below are additional instructions that JF Broadcasting should follow based on the form of payment it selects:<sup>15</sup>

- Payment by check or money order must be made payable to the order of the Federal Communications Commission. Such payments (along with the completed Form 159) must be mailed to Federal Communications Commission, P.O. Box 979088, St. Louis, MO 63197-9000, or sent via overnight mail to U.S. Bank – Government Lockbox #979088, SL-MO-C2-GL, 1005 Convention Plaza, St. Louis, MO 63101.
- Payment by wire transfer must be made to ABA Number 021030004, receiving bank TREAS/NYC, and Account Number 27000001. To complete the wire transfer and ensure appropriate crediting of the wired funds, a completed Form 159 must be faxed to U.S. Bank at (314) 418-4232 on the same business day the wire transfer is initiated.
- Payment by credit card must be made by providing the required credit card information on FCC Form 159 and signing and dating the Form 159 to authorize the credit card payment. The completed Form 159 must then be mailed to Federal Communications Commission, P.O. Box 979088, St. Louis, MO 63197-9000, or sent via overnight mail to U.S. Bank – Government Lockbox #979088, SL-MO-C2-GL, 1005 Convention Plaza, St. Louis, MO 63101.

16. Payment Plan. KWSD will pay the \$17,500 Civil Penalty as described in Paragraph 13 of the Consent Decree in accordance with the following payment schedule:

• Due 30 Days After Effective Date:	\$ 3,500.00
• April 1, 2018:	\$ 2,100.00
• July 1, 2018:	\$ 2,100.00
• October 1, 2018:	\$ 2,100.00
• January 1, 2019:	\$ 2,100.00
• April 1, 2019:	\$ 2,100.00
• July 1, 2019:	\$ 3,500.00

17. Waivers. As of the Effective Date, JF Broadcasting waives any and all rights it may have to seek administrative or judicial reconsideration, review, appeal or stay, or to otherwise challenge or contest the validity of this Consent Decree and the Adopting Order. JF Broadcasting shall retain the right

<sup>13</sup> Debt Collection Improvement Act of 1996, Pub. L. No. 104-134, 110 Stat. 1321, 1358 (1996).

<sup>14</sup> Payment may be made online at the Commission’s Fee Filer website: <https://www.fcc.gov/encyclopedia/fee-filer>. Online payments do not require payors to submit FCC Form 159. Alternatively, payment may be made using FCC Form 159; detailed instructions for completing the form may be obtained at <http://www.fcc.gov/Forms/Form159/159.pdf>.

<sup>15</sup> Should JF Broadcasting have questions regarding payment procedures, it should contact the Financial Operations Group Help Desk by phone at 1-877-480-3201, or by e mail at [ARINQUIRIES@fcc.gov](mailto:ARINQUIRIES@fcc.gov).

to challenge the Commission's interpretation of the Consent Decree or any terms contained herein. If either Party (or the United States on behalf of the Commission) brings a judicial action to enforce the terms of the Adopting Order, neither JF Broadcasting nor the Commission shall contest the validity of the Consent Decree or the Adopting Order, and JF Broadcasting shall waive any statutory right to a trial *de novo*. JF Broadcasting hereby agrees to waive any claims it may have under the Equal Access to Justice Act, 5 U.S.C. § 504 and 47 CFR § 1.1501 *et seq.*, relating to the matters addressed in this Consent Decree. Notwithstanding any provision of this Consent Decree or the Adopting Order, the Bureau may consider this Consent Decree void and of no further force if the condition specified in paragraph 15 is not fully and timely satisfied by JF Broadcasting.

18. Admission of Liability. JF Broadcasting admits, for the purposes of this Consent Decree and the Commission's civil enforcement, and in express reliance on the provisions of paragraph 13 herein, to the facts discussed in paragraphs 4 through 7 regarding its failure to meet the requirements of Sections 73.3514 and 73.3526 of the Rules. By entering into this Consent Decree, JF Broadcasting makes no other admission of liability or violation of any law, regulation or policy, and the Commission makes no finding of any such liability or violation.

19. Compliance Plan. In recognition that JF Broadcasting's policies and practices regarding compliance with Sections 1.65(a), 73.3514(a) and 73.3526 of the Rules can be enhanced to ensure compliance in the future, JF Broadcasting agrees to implement a compliance plan at the Station and at any Station acquired by JF Broadcasting, as well as any Station licensed to JF Broadcasting that becomes newly subject to the requirements while the Compliance Plan remains in effect. JF Broadcasting agrees, to the extent that it has not already done so, to implement the Compliance Plan within thirty (30) calendar days following the Effective Date and to keep such Compliance Plan in effect until Commission action on the Station's next license renewal application is final.

20. Severability. Parties agree that if any of the provisions of the Consent Decree shall be held unenforceable by any court of competent jurisdiction, such unenforceability shall not render unenforceable the entire Consent Decree, but rather the entire Consent Decree shall be construed as if not containing the particular unenforceable provision or provisions, and the rights and obligations of the Parties shall be construed and enforced accordingly.

21. Invalidity. In the event that this Consent Decree, in its entirety, is rendered invalid by any court of competent jurisdiction, it shall become null and void and may not be used in any manner in any legal proceeding.

22. Subsequent Rule or Order. The Parties agree that if any provision of the Consent Decree conflicts with any subsequent rule or order adopted by the Commission (except an order specifically intended to revise the terms of the Consent Decree to which JF Broadcasting expressly consents), that provision will be superseded by such rule or Commission order. A conflict will be considered to have arisen in the event that the JF Broadcasting is unable to comply with both the terms and conditions of this Consent Decree and the Communications Laws, as amended.

23. Successors and Assigns. JF Broadcasting agrees that the provisions of this Consent Decree shall be binding on its subsidiaries, affiliates, successors, assigns, and/or transferees.

24. Final Settlement. The Parties agree and acknowledge that this Consent Decree shall constitute a final settlement between the Parties with respect to the Investigation.

25. Modifications. This Consent Decree cannot be modified without the advance written consent of all Parties.

26. Paragraph Headings. The headings of the paragraphs in this Consent Decree are inserted for convenience only and are not intended to affect the meaning or interpretation of this Consent Decree.

27. Authorized Representative. Each Party represents and warrants to the other that it has

full power and authority to enter into this Consent Decree. Each person signing this Consent Decree on behalf of a Party hereby represents that he or she is fully authorized by the Party to execute this Consent Decree and to bind the Party to its terms and conditions.

28. Counterparts. This Consent Decree may be signed in any number of counterparts, each of which, when executed and delivered (including by pdf or facsimile), shall be an original, and all of which counterparts together shall constitute one and the same fully executed instrument.

FEDERAL COMMUNICATIONS COMMISSION

By:

\_\_\_\_\_  
Michelle M. Carey  
Chief, Media Bureau

\_\_\_\_\_  
Date

J.F. BROADCASTING, LLC

By:

\_\_\_\_\_  
James F. Simpson  
Managing Member

\_\_\_\_\_  
Date

**COMPLIANCE PLAN OF JF BROADCASTING CORPORATION**

To ensure future compliance with the Rules and the Act, JF Broadcasting will institute the following procedures for any television broadcast station that is licensed, controlled, or subsequently acquired by it. This Compliance Plan is meant to cover, but is not limited to, KWSD, Sioux Falls, South Dakota. Unless otherwise provided, all terms defined in paragraph 2 of this Consent Decree shall apply to this Compliance Plan. The terms of this Compliance Plan shall remain in effect until action on the Station's next license renewal application.

1. JF Broadcasting will designate a Compliance Officer responsible for responding to employee questions, consulting with FCC counsel regarding compliance matters, and ensuring all stations operate in compliance with the Rules and the Act, including but not limited to Sections 1.65(a), 73.3514 and 73.3526 of the Rules. The name and contact information for the Compliance Officer shall be listed in a document and placed in the Station's electronic public file under the folder entitled "FCC Investigations or Complaints."

2. To ensure compliance with the FCC's related rules and policies, the Compliance Officer will oversee, as applicable, the preparation and filing of all public file documents, the maintenance of its physical and electronic public files, the preparation and filing of all other required FCC Forms and applications, and the payment of any applicable filing and regulatory fees.

3. The Compliance Officer will conduct training for all Station employees and management at least once every twelve (12) months on compliance with FCC Rules applicable to his or her duties at the Station. The first training shall occur within thirty (30) days of the Effective Date. A certification that the aforementioned training has occurred shall be placed in the online electronic local public inspection file for the Station within five (5) business days after completion thereof.

4. The Compliance Officer will be responsible for remaining up-to-date on all developments in communications law that are applicable to the Station and its operations. This may include consultation with an outside third-party, such as legal counsel, in order to obtain guidance on FCC compliance issues and to review all applications, documents, and reports prior to filing with the FCC. Regarding the last matter, JF Broadcasting recognizes and acknowledges that any and all information provided to the FCC must completely and candidly set forth all relevant facts and circumstances regardless of whether such submission may disclose a violation of the Rules or the Act.